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|--------------------|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/153,133         | 09/15/1998  | D. DUKE LEE          | 04712/038002        | 5068             |
| 21559              | 7590        | 04/01/2008           | EXAMINER            |                  |
| CLARK & ELBING LLP |             |                      | SOROUSH, LAYLA      |                  |
| 101 FEDERAL STREET |             |                      |                     |                  |
| BOSTON, MA 02110   |             |                      | ART UNIT            | PAPER NUMBER     |
|                    |             |                      | 1617                |                  |
|                    |             |                      | NOTIFICATION DATE   | DELIVERY MODE    |
|                    |             |                      | 04/01/2008          | ELECTRONIC       |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[patentadministrator@clarkelbing.com](mailto:patentadministrator@clarkelbing.com)

**Continuation sheet:**

The reply filed on January 3, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

This application contains claims directed to the following patentably distinct species: (1)various immunogens; (2)various adjuvants, (3) various endogenous adjuvanicity enhancing means. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species of an (1) immunogens; (2) adjuvants, and (3) endogenous adjuvanicity enhancing means for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 45-46, 49-54, 56-61, 64-72 are generic.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of the species to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the

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omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Layla Soroush whose telephone number is (571)272-5008. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan, can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).